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Chief Executive Officer

October 1, 2012

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To: Supervisor Zev Yaroslavsky, Chair
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From: William T Fujioka
Chief Executive Officer

REPORT BACK - ALTERNATIVES TO INCARCERATION (ITEM 8, AGENDA OF JULY 24, 2012)

On July 24, 2012, the Board of Supervisors requested that the Sheriff's Department (Sheriff), Chief Executive Office (CEO), Probation Department (Probation), Department of Public Health (DPH), and the Countywide Criminal Justice Coordination Committee (CCJCC) provide a written report to address the following:

- A detailed description of the Sheriff's assessment tools that will be used to identify inmates who could serve a portion of their jail sentence in a rehabilitative program.
- Identification of the universe of inmates from which the Sheriff would select candidates to serve a portion of their sentence in a rehabilitative program.
- Identification of the facilities and rehabilitation programs that may be available in the future to be utilized for this effort.
- Identification of potential funding sources and a cost analysis for such a program.

The purpose of this report back is to provide an overall summary of the Criminal Justice System and discuss the various alternatives to incarceration for pre-trial and sentenced populations.

THE CURRENT PROBLEM

Jail overcrowding is an issue that has continued to plague the County of Los Angeles (County) over the years as the pressures of an increasing inmate population, coupled

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with California Supreme Court orders to reduce jail population and budget constraints, have resulted in a shortage of available jail beds. As of 2012, the Sheriff operates a total of nine detention facilities across the County with a maximum operating capacity of 21,700. Currently, eight facilities are being used to house the County's 19,500 inmate population. The Mira Loma Detention Center is being used to house United States Immigration detainees, but this contract will be terminated effective November 2012. The County anticipates reaching its maximum capacity at the eight jail facilities by the end of the calendar year. Prior to the implementation of Assembly Bill 109 (AB109), also referred to as Realignment, the County jail population had averaged approximately 15,000 inmates per year. The average length of stay for most inmates in County jail was approximately 2-12 months, making the population highly transitory in nature and easier to manage the need for beds.

Since the inception of AB109 in October 2011, the jail population has grown by approximately 6,000 additional inmates that would have in the past been sentenced to State prison, but are now serving their sentences in County detention facilities. AB109 is a result of a California Supreme Court decision that mandated the reduction of the State prison population due to overcrowding and insufficient medical care. The State began the process of reducing their overall prison population in two ways: 1) releasing those who are eligible for State parole supervision to Probation for supervision; and 2) local incarceration of those inmates convicted of an offense that is considered to be non-violent, non-sexual, and non-serious in nature (N3). Based on the severity of the offense, these inmates who would have normally been sentenced to State prison for a term longer than two years are now housed locally at our County jails.

As a result of Realignment, the N3 inmate population in County jails is estimated to grow to approximately 8,000 inmates by June 2013. These inmates will be serving average sentences of two years; with the highest sentence currently set at 42 years. This has created a significant paradigm shift in how the Sheriff manages the current jail population due to these inmates staying for longer periods of time, requiring long-term medical care, and creating a shortage of bed space for those that are serving shorter sentences.

Previous Studies

1. In 2009, the Jail Overcrowding Subcommittee was established in response to overcrowding issues in the County jail facilities. The purpose of the Subcommittee, consisting of representatives from the CEO, CCJCC, Sheriff, Probation, Superior Court (Court), and District Attorney (DA), Public Defender (PD), and Alternate Public Defender (APD) Offices, is to assess court practices and procedures that contribute to jail overcrowding and identify court efficiencies/initiatives to resolve those issues.

This in turn would allow the County to appropriately house the violent high-risk offenders and also examine alternatives to incarceration for low-risk offenders. The Subcommittee's recommendations focused on the expansion of the following programs:

- Release of pre-trial defendants;
 - Early Disposition Program;
 - Video Arraignment Technology;
 - Own Recognizance Program (ORP); and
 - Electronic Subpoena Program.
2. In March 2009, in response to the challenges facing our County jails, the VERA Institute of Justice was requested to assist the County with the task of analyzing key factors influencing the size and characteristics of the County jail inmate population. After two years of research and analysis, a set of recommendations was provided to the County for consideration. VERA's recommendations suggested the County focus on the following to address the challenges facing the County jail:
- Streamline pre-trial release practices;
 - Review policy regarding mental health inmates and the use of community-based options;
 - Review of equity of bail criteria;
 - Improve case processing; and
 - Improve data compatibility across departments.
3. On April 10, 2012, Dr. James Austin submitted his research findings to the Sheriff to address the issues facing the County jail system. His analysis focused on a review of the County jail trends with emphasis on the booking and length of stay for the population. The report also explores the projected jail population after the implementation of AB109, which Dr. Austin estimates would increase by 7,000 inmates over the next two years before stabilizing. The recommendations submitted by Dr. Austin are as follows:
- Pre-trial release through the Sheriff's Education Based Initiative;
 - Review of the bed capacity of the entire system by modifying North County Correctional Facility (NCCF) and assuming the management of several California Department of Correctional and Rehabilitation (CDCR) County conservation camps; and
 - Explore other bed capacity options, such as constructing a female facility or re-purpose the use of the Mira Loma Detention Center.

4. On August 3, 2012, the CEO met with Mr. Michael Jacobson, President and Director of the VERA Institute of Justice, as a follow up to their work with the County and report issued in September 2011. The discussion involved pre-trial best practices, as well as the model used in New York City where a much higher percentage of individuals arrested are released on their own recognizance. Under the New York City model, an independent agency interviews every person arrested 24/7 and using a risk assessment tool makes a release recommendation to the court in real time. This resulted in approximately 50 percent of individuals arrested for felonies being released on their own recognizance.

The VERA and Austin reports both suggest that the largest immediate impact to reducing the current jail population would be to focus on the pre-trial population. The two reports recommend the County review the current process by which individuals are assessed and recommendations are made for pre-trial release. Furthermore, the two reports also agree that inmates that qualify could be safely released into the community after an appropriate pre-trial assessment process and supervised release option has been identified. Dr. Austin further suggests that potentially 3,000 inmates could qualify for the pre-trial release program proposed by the Sheriff. It should be noted, although Dr. Austin indicates that potentially 3,000 inmates could qualify, the actual number of inmates released under the pre-trial release program cannot be quantified until the program is fully implemented.

As a result of these prior studies and their findings, this report identifies ways in which the County can address the problem of jail overcrowding and provide quality care for those individuals that are incarcerated both on a long and short-term basis. This report will focus on the various alternatives to custody options that could be considered to reduce jail overcrowding.

Criminal Justice System Process

The Criminal Justice System has primary responsibility for sentencing offenders to prison and/or County jail. Therefore, prior to discussing the various alternatives to custody, it is useful to understand the steps involved in processing cases in the Criminal Justice System from arrest through incarceration. These steps are outlined in Attachment I and described below. The estimated number of inmates identified for each step is an approximation based on an average of three years of data, as provided by the Court, and is intended for discussion purposes only. The main steps in the Criminal Justice System are as follows:

1. Arrest/Booking
2. Arraignment

3. Early Disposition Program (EDP)
4. Preliminary and Pre-trial Hearings
5. Trial
6. Sentencing

1. Arrest and Booking

Annually, there are approximately 390,000 total arrests made throughout the County. After arrest and booking, approximately 200,000 (or 50 percent) have their cases disposed or are released on bail or bond. The remaining 50 percent are held in custody for arraignment.

2. Arraignment

Arraignment proceedings (or formal charges) typically occur within 48 hours after a person is booked. Probation's Pre-Trial Division prepares a recommendation to the Court, DA, and PD regarding the bail amount and a person's eligibility to qualify for release under the ORP. After receiving Probation's recommendations, Court, DA, and PD also determine if the case is eligible for EDP.

3. Early Disposition Program

EDP provides the Court, prosecution, and the defense an opportunity to settle criminal cases at an early stage in the judicial process. This program saves staff time and resources, reduces Court calendars, and the total number of bed days for those awaiting trial in County jail. Approximately 25 percent of individuals arraigned are released from custody through EDP.

EDP differs from the pre-trial release program by speeding up the court process to allow for cases to be adjudicated and disposed of quickly. The pre-trial release program allows for low-level offenders to be released from jail temporarily while they are awaiting adjudication of their case. These individuals are required to report back to the Court at their appointed trial date.

4. Preliminary and Pre-Trial Hearings

Approximately 45 to 50 percent of the cases are disposed of during the Preliminary and Pre-trial Hearings phase.

5. Trial

All remaining cases are then set for trial and those inmates are held in custody until their scheduled trial date. This number represents approximately 55 percent (or 10,500) of the total jail population of 19,500.

6. Sentencing

Those who have been sentenced to County jail, including the N3 population (those who previously would have been sent to State prison and serving longer sentences), represent 45 percent of the jail population (or 9,000).

For the most serious offenders, the goal is to ensure that the Sheriff has available bed space that will allow these individuals to serve most, if not all, of their court mandated sentence. For the low-level offenders, the goal is to provide options to allow these individuals opportunities for education and transition to other custody alternatives toward the end of their jail term. Research suggests that these types of programs help to reduce recidivism and allow these individuals to integrate back into the community successfully. By doing so, the County will use jail resources in a more effective and efficient manner without compromising public safety.

This report will identify the alternatives to custody options for both pre-trial and sentenced populations as follows:

PRE-TRIAL POPULATION

As indicated on Attachment II, the current County jail population is approximately 19,500, of which 10,500 (or approximately 55 percent) are in pre-trial, pre-sentenced custody. Pre-trial detention has a significant impact on jail populations and public resources. According to VERA, the County detains a significantly higher percentage of pre-trial inmates compared to the national average of 39 percent.

By implementing a pre-trial release program with the use of a risk assessment instrument and appropriate supervision and services during release, an effective pre-trial release program may be implemented. This program will reduce pre-trial detention, ensure that defendants appear in court, and maintain public safety. As previously stated, the CEO, Sheriff, and all justice and public safety partners have held a series of meetings designed to work together to identify additional alternatives to incarceration for the pre-trial population as follows:

Pre-Trial Release

It is estimated that potentially 5,000 inmates can be considered for a risk assessment to determine whether that person meets the qualifications for release. Qualifications include low-level offenses, such as drugs or petty theft. Should the inmate qualify for the pre-trial release program, the following combinations of release options are available:

- Release with a promise to appear at a later court date;
- Release on Electronic Monitoring Program (EMP) / Global Positioning System (GPS) either alone or supervised (Sheriff or Probation);
- Release with supervision (Sheriff or Probation); and
- Release with supervision (Sheriff or Probation) to treatment facility (mental health or substance abuse).

It is important to note however, that although the above may result in a reduction in the number of pre-trial inmates, upon sentencing, they may return to custody to serve their sentence thereby occupying the same number of bed days. This is due to the fact that under the current system, when sentenced, a significant percentage of inmates are given credit for "time served." The total number of inmates that may qualify under this program is approximately 1,400. However, this may not reduce the overall census population since they will be serving time after sentencing. A Pre-trial Committee consisting of the County public safety and justice partners has developed a pilot program to identify improvements to the pre-trial process. Under the pilot program, the Sheriff will conduct a pre-trial assessment to determine the inmate's eligibility for potential release. At this time, APD, DA, and PD have all agreed that the Court will be the final approving authority for the pre-release of inmates from jail based on the Sheriff's assessment. The Committee's goal is to implement the court-based, pre-trial release program in November 2012. The Court's plan is to implement the program targeting low-level, drug offenders first. The Court estimates that the total number of cases that could qualify for this program could reach up to 1,000 annually.

After six months, the Committee will report back to the Board on the findings of the pre-trial release program, the total number of inmates released, the number of bed days saved, and any additional resources, if needed, to implement this program on an ongoing basis.

Another option is to authorize the Sheriff to administer the pre-trial release program. AB109 provides the authority to the Sheriff to implement a pre-trial release program if expressed approval is given by the Board of Supervisors (Attachment III). This action would eliminate the Court's role in the program.

Early Disposition Program

APD, Court, DA, PD, Probation, Sheriff, and CCJCC have developed and implemented a six-month pilot program to further increase the volume of EDP. A fact sheet on the EDP pilot is provided as Attachment IV. Prior to the pilot, EDP hearings at the Central Criminal Court were scheduled five days after arraignment. Hearings are now being scheduled two days following arraignment. This change has the potential to reduce the total number of jail bed days and expand the number of EDP cases. A progress report that will capture the pilot program's outcome measures will be provided after the initial 90-day implementation period.

Those Not Eligible for Release

Approximately 5,500 of the remaining population will not qualify for release based on existing EDP criteria and risk assessment. Offenders who are deemed high-risk/high-security (those who should be isolated for their own safety or safety of others) to the community or have exclusionary conditions, such as mental health or medical issues, may be precluded from release.

The diversion of inmates from incarceration to the proposed pre-trial and post-sentencing programs is expected to impact the low and medium security inmate population levels, and will ultimately determine the need to further develop housing for these classifications at the County's existing detention facilities in the future. The outcomes of the proposed programs, once measured and analyzed, are not expected however to diminish the need to provide housing for high-risk/high-security, medical, and other inmate classifications that are deemed to be ineligible for, or incompatible with, the proposed diversion programs.

Accordingly, the replacement of Men's Central Jail (MCJ) with a new facility that solely houses such high-risk/high-security inmate classifications should be considered the highest priority at this time. Such a facility would be smaller and less costly than previously conceived. By consolidating the housing of the high-risk/high-security inmates in a single facility it would also provide greater flexibility in the use of the County's other detention facilities. For example, as of September 2012 the high-risk/high-security inmate population count is 2,566. Of that number, 1,045 inmates are housed in single cells at MCJ. The remaining 1,527 are housed at Twin Towers, North County Correctional Facility, or Century Regional Detention Facility in two-man cells. If we consolidated all 2,566 inmates at a new MCJ, we would free up the 1,527 two-man cells at the other facilities, which equates to 3,054 additional jail beds.

SENTENCED POPULATION

As shown on Attachment II, the sentenced population in our County jail system is approximately 9,000, of which 1,300 are inmates sentenced to State prison and awaiting case processing, transportation to State prison, or are parole violators and are not eligible for alternatives to incarceration. The remaining 7,700 of the sentenced population consists of 7,000 felony and 700 misdemeanor offenders. Most misdemeanants are cited out. If they remain in our jail system, it is due to the type and severity of their offense.

The Sheriff is proposing to complete an assessment on all inmates not pending transfer to State prison or being held on parole violations, to determine their eligibility for Education Based Incarceration (EBI). The Sheriff has estimated the number of inmates that qualify could be approximately 33 percent of the population (or 2,500 inmates). Based on the success of this program, the Sheriff may consider expanding this program to the pre-trial population at a later date.

After serving a minimum of 35 percent of their sentence and successfully completing the EBI requirements, another assessment would be performed on the inmate to determine if they are eligible for Community Based Alternatives to Custody (CBAC). If they are ineligible, the inmate would serve the remainder of their sentence in custody. Inmates who qualify for CBAC would be processed and sent to the Sheriff's Community Transition Unit (CTU) for case management and placement. CTU would also work with DPH, Probation, and the Department of Mental Health (DMH) to amend their existing contracts to allow for placement referrals and options. Once the inmate is assessed, placement is secured, and a case management plan has been developed, the inmate would be transferred to a rehabilitation center to serve out the remainder of their sentence and also be required to wear an electronic monitoring device. Upon completion of the rehabilitation program, the inmate's sentence would be complete. Any violation of the terms and conditions of release (to be developed by the Sheriff and rehabilitative programs) would result in the return of the inmate to County jail to serve the remainder of their sentence.

Based on information provided by DMH and DPH, it would cost on average approximately \$4,800 and \$4,957 annually per inmate to receive mental health and substance abuse treatment services, respectively. DMH currently has ten existing contracts while DPH has a total of 12; however, both departments indicate the capacity to serve the inmate population does not currently exist. It would take approximately 2-3 months to amend the contracts to increase treatment capacity for County inmates. The terms and conditions or treatment plan will be tailored to meet the individual needs of the inmate.

Sheriff's Assessment Tool

The *NorthPointe Correctional Offender Management and Profiling Alternatives Sanctions* (COMPAS) assessment software will be the central tool employed to assess potential inmates' qualifications for participation in community-based rehabilitation programs in a manner described below:

- The COMPAS assessment software is a nationally validated tool measuring offenders' service needs, risk of violence, and risk of recidivism. It is used by a number of criminal justice agencies across the nation to make decisions regarding the placement, supervision, and case management of offenders.
- The assessment develops and focuses on predictors known to affect recidivism. This tool evaluates dynamic risk factors in predicting recidivism and provides information on a variety of risk and needs factors which aid in correctional treatment; thereby decreasing the likelihood that offenders will recidivate.

Identification of Potential Funding Sources and Cost Analysis

This office is exploring funding options to implement these programs. Potential funding sources may include reallocation of AB109, internal departmental cost savings, or net County cost. In addition, it has come to our attention that Medi-Cal reimbursement may be available for inmates sent to transitional care facilities which may help to offset treatment costs. We will report back to the Board at a future date with a cost/benefit analysis.

OPTIONS

The recommendations set forth in this report serve as the foundation for future discussions. In the ongoing effort to address issues of jail capacity and overcrowding, we will continue to work with our justice and public safety partners to do the following:

- Reduce or eliminate inefficiencies in the Criminal Justice System process;
- Expedite case processing;
- Reduce the number of offenders and pre-trial detainees currently incarcerated; and
- Identify various alternatives to incarceration.

It is understood that incarceration alone is not the solution to crime and that jail facilities must be used primarily for those offenders who are primarily a threat to our communities. Therefore, it is imperative that we develop practices that reduce costs without sacrificing public safety. With that goal in mind, below is a list of strategies the CEO and County departments are currently pursuing:

Electronic Monitoring Program / Global Positioning System

Sheriff will be utilizing an Electronic Monitoring Program (EMP) and Global Positioning System (GPS) devices as an alternative custody option for low-risk offenders, which may also include some elements of the N3 population. On August 17, 2012, the Sheriff issued a Request for Proposal (RFP) for EMP/GPS with proposals due in late October 2012. Sheriff and Probation may require additional staff and funding to fully implement the EMP/GPS. We will, as always, work with the departments to identify all operational costs and staffing requirements.

Adult Day Reporting Centers

This program involves collaboration between Probation and Sheriff to transition the low-risk population from jail back into the community through the use of an on-site program that provides life skills, education, and job training. In addition, the Day Reporting Centers (DRC) may be used as part of a diversionary program. Rather than serving time in County jail, adult felony offenders will be "released" and required to participate in the DRC programs. Probation is in the process of releasing a RFP to establish two new DRCs. In addition, Probation will continue to operate the current DRC in District 2. Senate Bill 678 revenue will offset the costs of this program. This program can be expanded for the N3 population.

Mental Health and Substance Abuse Treatment Facilities

The Sheriff will partner with DMH and DPH to incorporate mental health and substance abuse screenings and referrals, after an initial risk assessment, for alternative processing: (a) if mental health and substance needs exists, identify appropriate community placement; and (b) explore the creation of a dedicated mental health program(s) for released individuals and/or expansion of existing DMH specialized forensic outpatient intensive treatment programs. To address this population's treatment needs, DMH and DPH, in conjunction with the Sheriff, needs Board approval to amend the existing DMH and DPH contracts to allow for services to be provided to County inmates.

Home Detention

This program requires a person to be confined to a certain residence. This option usually requires the inmate to be accompanied by an electronic monitoring device. The Sheriff can implement this program immediately using Probation's existing EMP contract authority.

Community Services

CEO is currently working with the Sheriff to develop a comprehensive plan to allow low-risk inmates to perform public service projects in the unincorporated areas and contract cities throughout the County. Inmates will perform services, such as debris and landscaping clean-up, graffiti abatement, and alley and street clean-up. Services are currently being provided in the unincorporated areas at county-owned facilities such as the Youth Athletic League and Sheriff's detention facilities. The Sheriff is also looking to partner with the Departments of Parks and Recreation and Public Works to identify future projects and sites.

Community and Faith-Based Organizations

The Sheriff and Probation will partner to contract with organizations to identify educational, housing, employment and other supportive services for individuals identified by using the COMPAS assessment to be appropriate candidates for release. CEO is currently working with Probation and Sheriff to amend the Haight-Ashbury Contract to expand services currently provided to County inmates. Sheriff will be amending their existing Haight-Ashbury Statement of Work to allow County sentenced N3s to receive the aforementioned educational, vocational, and life-skills treatment services.

Fire Camps

The Fire Department (Fire) and CDCR have an existing Fire Camp Memorandum of Understanding (MOU) set to expire June 30, 2013. The CEO, Sheriff, and Fire are currently working with the CDCR to amend the existing MOU to move out 500 State inmates from our local fire camps and replace them with 500 County N3s. In addition, we are also interested in pursuing a separate CDCR-Sheriff MOU that would transfer the N3s to other CDCR/CalFire camps to support statewide fire-fighting capacity. According to CDCR, approximately 30 percent of their existing fire crews are inmates originating from the County. The CalFire Camps could provide a potential of 2,500 additional inmate capacity. As part of this effort, the Sheriff will establish a training facility (using existing jail beds and funded within their AB109 allocation) to house eligible inmates as they are being prepared to enter the fire camps.

Community Correctional Facility

We currently have a recommendation placed on the Board's agenda to enter into a contract with the City of Taft's Community Correctional Facility for 512 jail beds at \$60.55 per inmate per day.

RECOMMENDATIONS

It is recommended that the Board authorize the following actions to implement the options outlined in this report and in Attachment V as follows:

1. Sheriff to implement the pre-trial release program pursuant to AB109 as outlined in Attachment III;
2. Probation to develop a program to expand the use of Adult DRCs for diversion of inmates from County jail;
3. Sheriff to develop a work release program;
4. DPH and DMH to amend their existing contracts to allow for more referrals for mental health services and substance abuse screenings;
5. Sheriff to develop a home detention with electronic monitoring program;
6. Sheriff to develop a comprehensive community service program;
7. Probation to amend, extend, and expand the existing Haight-Ashbury Contract to allow the Sheriff to use the contract to refer inmates to community- based organizations;
8. CEO, Sheriff, and Fire to begin negotiations with the CDCR to manage the County's five fire camps; and
9. CEO, Sheriff, and Fire to begin negotiations with CDCR/CalFire to allow County inmates to staff fire camps throughout the State.

CONCLUSION

We will work with the Board to identify and select CBAC options best suited for addressing our jail population needs and the appropriate source of funding. Should you have any questions, please contact Georgia Mattera or Dardy Chen at (213) 893-2374.

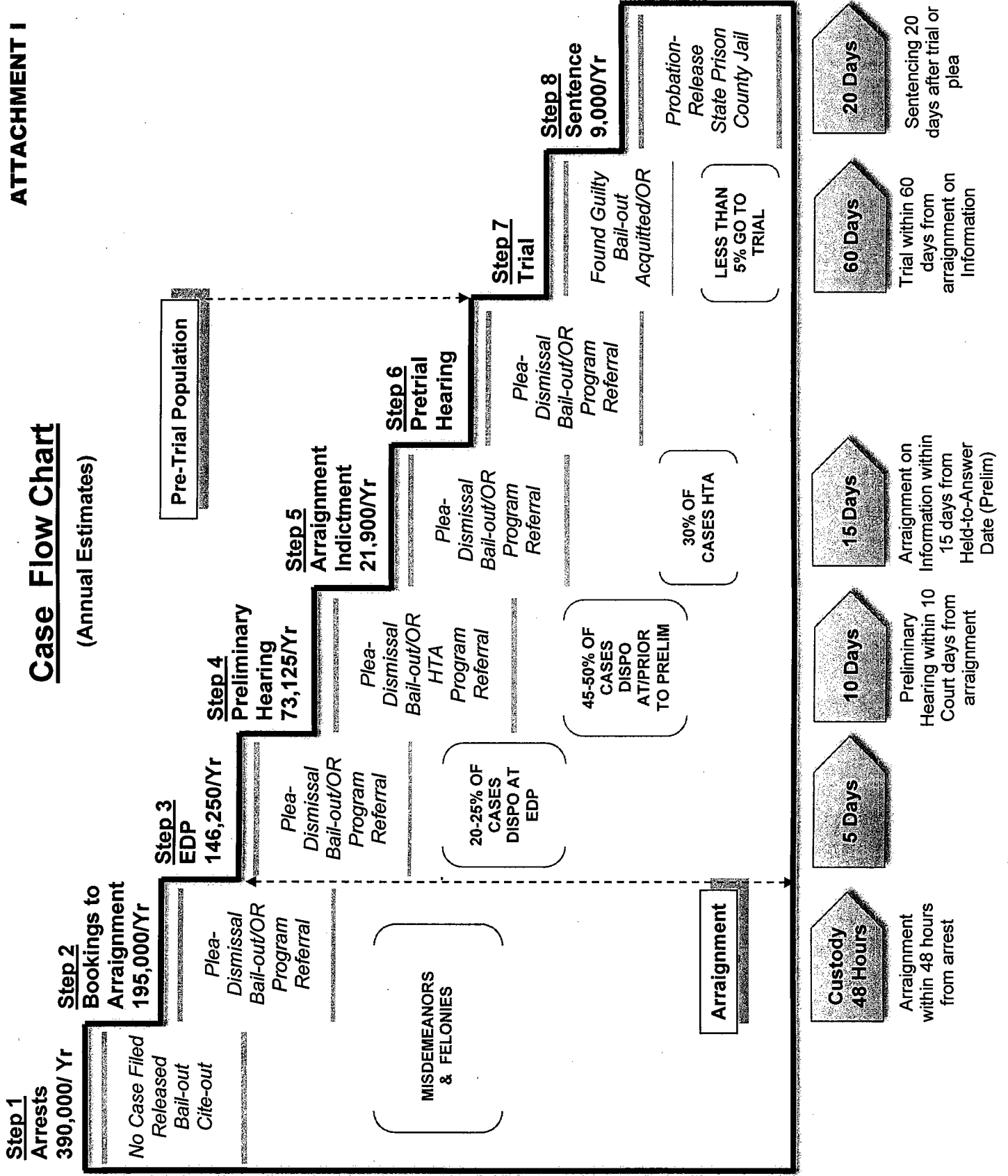
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Attachments

c: Executive Office, Board of Supervisors
District Attorney
Sheriff
Alternate Public Defender
County Counsel
Fire
Mental Health
Probation
Public Defender
Public Health
Superior Court

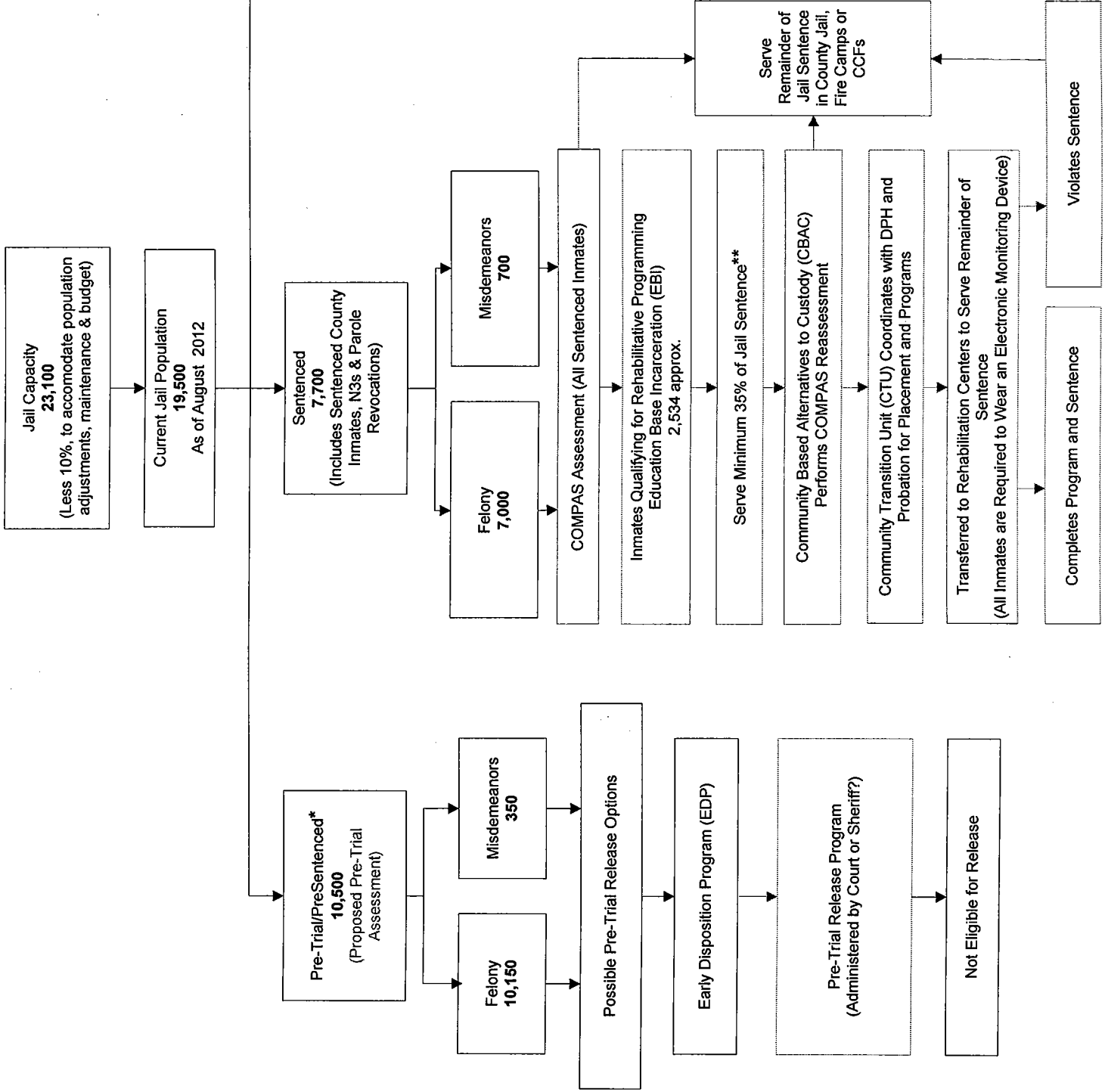
Case Flow Chart

(Annual Estimates)



ATTACHMENT II

Orange = Proposed Concepts



* A small portion of this population has been convicted, but not sentenced

** This number fluctuates based on jail population

*** The 1,300 includes 400 State parole violators not eligible for alternatives to incarceration.

Language from AB 109: Authorizing the Board of Supervisors the authority to grant the Sheriff authority to release an inmate on electronic monitoring.

1203.018.

(a) Notwithstanding any other law, this section shall only apply to inmates being held in lieu of bail and on no other basis.

(b) Notwithstanding any other law, the board of supervisors of any county may authorize the correctional administrator, as defined in paragraph (1) of subdivision (k), to offer a program under which inmates being held in lieu of bail in a county jail or other county correctional facility may participate in an electronic monitoring program if the conditions specified in subdivision (c) are met.

(c) (1) In order to qualify for participation in an electronic monitoring program pursuant to this section, the inmate must be an inmate with no holds or outstanding warrants to whom one of the following circumstances applies:

(A) The inmate has been held in custody for at least 30 calendar days from the date of arraignment pending disposition of only misdemeanor charges.

(B) The inmate has been held in custody pending disposition of charges for at least 60 calendar days from the date of arraignment.

(C) The inmate is appropriate for the program based on a determination by the correctional administrator that the inmate's participation would be consistent with the public safety interests of the community.

**Early Disposition Program
Department 50 Pilot Program
August 6, 2012 – February 3, 2013**

Background

The Early Disposition Program (EDP) provides the Court, Prosecution, and Defense an opportunity to settle criminal cases at an early stage in the judicial process. The program:

- Reduces the jail population by expediting the Court process
- Offers prompt justice to victims
- Saves critical Court, prosecution, defense, and law enforcement resources by avoiding preliminary hearings and trials
- Reduces Court calendars

In partnership with the District Attorney's Office, Public Defender's Office, Alternate Public Defender's Office, and Probation Department, the Court's Central District will pilot changes to the EDP program beginning August 6, 2012 to enhance those benefits. While the core EDP elements remain, cases eligible for EDP will be scheduled for the settlement hearing in two days instead of five.

Pilot Program Elements

1. There is no change to EDP eligibility criteria. Cases will only be referred to EDP if all parties agree.
2. Cases eligible for EDP – as agreed upon by the Court, District Attorney's Office, and Defense Counsel – will be scheduled for an EDP hearing in Department 50 two days following arraignment (instead of the current five-day period).
3. The Court will electronically refer cases to Probation for EDP reports on an ongoing basis throughout the day. Previously, an end-of-day referral list was faxed to Probation.
4. Probation will generate modified EDP reports to the Court within the two-day turnaround period. Reports will highlight information requested by the Court and will still include the comprehensive criminal history check and risk assessment (Modified Wisconsin). As has previously been the case, defendant interviews will not be conducted for EDP reports.
5. Probation will continue to distribute to the Court, District Attorney's Office, Public Defender's Office, and Alternate Public Defender's Office hard copies of EDP reports prior to the EDP hearing.
6. The Probation Department will work with the Court, District Attorney's Office, Public Defender's Office, and Alternate Public Defender's Office to explore other methods of distributing EDP reports to Court parties, including electronic distribution.

Pilot Scope & Term

1. All cases referred to EDP in Department 50 will be handled via the pilot process.
2. There is no daily cap on the number of EDP cases that can be referred to Probation for EDP reports.
3. The pilot will run from August 6, 2012 to February 3, 2013 (six months).

Outcome Measures to be Captured

1. Number of cases referred to EDP
2. Number of EDP hearings continued
3. Number of cases settled in EDP
4. Number of settled cases in which a defendant is released from custody



RECOMMENDED OPTIONS FOR ALTERNATIVES TO INCARCERATION

The recommendations below were provided by the reports from the VERA Institute for Justice, Dr. James Austin and the Los Angeles County Public Safety and Justice Partners

PROGRAM	PROGRAM DESCRIPTION	PROJECTED COSTS	RESPONSIBLE DEPARTMENT(S)	POTENTIAL # OF INMATES*
Pretrial / Presentenced Population				
1	Court-based pre-trial release program: <ul style="list-style-type: none">• Release with a promise to appear• Release on Electronic Monitoring• Program either alone or supervised• Release with supervision• Release with to treatment facility	Court-based pre-trial release program utilizing the Sheriff's and Probation's risk assessment tools to focus on low-level drug offenders	Probation and Sheriff may require additional staff. May also require electronic monitoring devices at \$10 each per inmate.	1,000
2	Sheriff-based pre-trial release program with authority given by the Board of Supervisors per AB 109 <ul style="list-style-type: none">* Release with a promise to appear* Release on Electronic Monitoring* Program either alone or supervised* Release with supervision* Release with to treatment facility	Sheriff-based pre-trial release program utilizes the COMPAS assessment tool to focus on low-risk offenders	Probation and Sheriff may require additional staff. May also require electronic monitoring devices at \$10 each per inmate.	1,400
3	Expansion of Early Disposition Program (EDP)	EDP provides the Superior Court, Prosecution, and Defense an opportunity to settle criminal cases at an early stage in the judicial process	No Impact	1,500
Sentenced Population				
4	Electronic Monitoring/Global Positioning System (GPS)	Sheriff will be utilizing electronic monitoring and GPS devices as an alternative custody option for low-risk offenders which may also include the (N3) jail population as well.	Estimated \$10 per day per inmate for electronic monitoring devices. Sheriff RFP is currently underway for GPS monitoring.	To be determined
5	Day Reporting Centers (DRC)	Probation and Sheriff to divert the low-risk population directly into the community before serving jail time through the use of an on-site program that provides education and job training to enable long-term employment and hold unemployed offenders accountable during the day.	Probation may require staff for DRCs. AB678 may be a potential source of funding.	1,000

Attachment V

PROGRAM	PROGRAM DESCRIPTION	PROJECTED COSTS	DEPARTMENTS INVOLVED	POTENTIAL # OF INMATES *
6	Work Release Programs	To be determined	Sheriff	To be determined
7	Mental Health and Substance Abuse Treatment Facilities	<p>DMH: Estimated treatment cost per client is \$4,800 annually. Plus additional funding for higher level needs and acute care.</p> <p>DPH: Estimated treatment cost per client is \$4,957 annually. Additional cost for community assessment service centers will be required.</p>	DMH / DPH Treatment Clinics	To be determined
8	Home Detention	Home detention requires a person to be confined to a certain residence. This option usually requires the inmate to be accompanied by an electronic monitoring device.	Sheriff	To be determined
9	Community Service	An option for low-risk inmates to perform community service.	Sheriff / Probation	To be determined

Attachment V

PROGRAM	PROGRAM DESCRIPTION	PROJECTED COSTS	DEPARTMENTS INVOLVED	POTENTIAL # OF INMATES*
10 Community Based and Faith Based Organizations	Sheriff to partner with Probation to contract with organizations to identify educational, housing, employment and other supportive services for individuals identified. The CEO is also currently working with Probation and Sheriff to amend the Haight-Ashbury Contract to expand services currently provided to County inmates.		Sheriff / Probation	To be determined
11 Fire Camps - (5 County Fire Camps with capacity of 100 per camp).	Negotiations with CDCR, Sheriff, Fire, CEO, and County Counsel to replace State inmates with County N3s.	\$8,400,000 Estimated Annual Cost	Sheriff / Fire	500
12 CalFire contract to expand the fire camp program	The CEO will begin negotiations with CalFire to expand the fire camp program throughout the state		Sheriff/Fire	2500
13 Community Correctional Facility - (500 per location with two potential locations under consideration).	Taft Contract is awaiting approval by the Board of Supervisors. Coaliga is still under consideration.	\$11,000,000 Estimated Annual Cost	Sheriff	500

* Each option listed should be considered separately and the total inmate count should not be added together, as some of these options/programs will overlap.